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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,601	01/08/2004	Naoyuki Kagami	JP920000239US2	6347

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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/753,601

Applicant(s)

KAGAMI ET AL.

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 6 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24 June 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 6, 11-13 are objected to because of the following informalities:

Regarding claim 6, on page 3, the recitation "...the judgment..." lacks antecedent basis.

Regarding claim 11, on page 4, the recitations "...the write..." and "...the judgment..." lack antecedent basis.

Regarding claims 11 and 12, on pages 3 and 4, Examiner suggests that the recitation "...a read/write head for information..." be changed to read "...*a read/write head for writing information...*" for clarity.

Regarding claim 13, on page 5, the recitation "...the judgment..." lacks antecedent basis.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobbek et al U.S. Patent No. 6,034,831.

Regarding claim 11, Dobbek et al disclose a rotating storage device (Fig. 1) comprising a storage medium (104) driven to rotate, a read/write head (108) for information on the storage

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medium, a means to read information onto the storage medium (113) a defect list storing defective sector information, and means for determining whether the defective sector is contained in a track containing a sector on which the write has been done or a track adjacent to or nearby the track by referencing to the defect list (column 5, lines 30-45).

Dobbek et al further disclose a rotating storage device comprising means for verifying the write when a result of the judgment is true (column 7, lines 23-28).

Regarding claim 5, method claim 5 is drawn to the method of using the corresponding apparatus claimed in claim 11. Therefore method claim 5 corresponds to apparatus claim 11 and is rejected for the same reasons of anticipation as used above.

4. Claims 6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Baba et al U.S. Patent No. 6,671,110.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 12, Baba et al disclose a rotating storage device (Fig. 1) comprising a storage medium (11) driven to rotate, a read/write head (12) for information on the storage medium, means for writing information onto the storage medium, and means for reading amplitude information of a gain value of an automatic gain circuit for amplifying a signal via the head or an amplitude value of the signal (column 8, lines 36-43)

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Baba et al further disclose a rotating storage device comprising means for calculating dispersion of a signal of the head from multiple the gain values or amplitude value, a dispersion table (i.e. gain register) containing dispersions of signals on the head individually stored in divided areas on the storage medium (column 7, lines 45-64)

Baba et al further disclose a rotating storage device comprising means to judge whether a predetermined threshold value is exceeded by comparing a value in the dispersion table and a dispersion value obtained by the calculation and means to verify the write when a result of the judgment is true (column 8, line 24-35).

Regarding claim 6, method claim 6 is drawn to the method of using the corresponding apparatus claimed in claim 12. Therefore method claim 6 corresponds to apparatus claim 12 and is rejected for the same reasons of anticipation as used above.

5. Claims 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kakihara et al U.S. Patent No. 6,118,608.

Regarding claim 13, Kakihara et al disclose a rotating storage device comprising a storage medium (1) driven to rotate a read/write (6) for information on the storage medium, means for writing information (4) onto the storage medium, and means for determining whether the write operation is done within a certain period starting from immediately after loading the head on the storage medium or within a time required for processing a predetermined number of commands (column 4, lines 22-30).

Kakihara et al disclose a rotating storage device comprising means for verifying the write when a result of the judgment is true (column 2, lines 38-44 and column 4, lines 34-35)

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Regarding claim 7, method claim 7 is drawn to the method of using the corresponding apparatus claimed in claim 13. Therefore method claim 7 corresponds to apparatus claim 13 and is rejected for the same reasons of anticipation as used above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 703-305-6985. The examiner can normally be reached on Monday-Friday (8:30-6:00) Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN   
January 27, 2005

  
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